

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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CHARMANE SMITH,

Plaintiff,

vs.

DOBBS BROS. MAZDA, et al.,

Defendants.

No. 06-2422-B/V

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ORDER DIRECTING PLAINTIFF TO FILE A PROPERLY COMPLETED  
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE CIVIL FILING FEE

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Plaintiff Charmane Smith filed a pro se civil complaint on July 3, 2006.

Federal law provides that the "clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of" \$350. 28 U.S.C. § 1914(a).<sup>1</sup> To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an in forma pauperis affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff's ability to pay the filing fee and prosecute the lawsuit. A plaintiff seeking in forma pauperis standing must respond fully to the questions on the Court's in forma pauperis form and execute the

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<sup>1</sup> Effective April 9, 2006, the civil filing fee increased from \$250 to \$350.

affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. See, e.g., Reynolds v. Federal Bur. of Prisons, 30 Fed. Appx. 574 (6th Cir. Mar. 11, 2002); Brogue v. Fort Knox Fed. Credit Union, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

In this case, the plaintiff has neither paid the civil filing fee nor filed an in forma pauperis application.<sup>2</sup> She is ORDERED, within thirty (30) days of the date of entry of this order, to file a properly completed in forma pauperis affidavit or pay the civil filing fee. The Clerk is ORDERED to send the plaintiff a copy of the nonprisoner in forma pauperis affidavit along with this order. Failure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 31<sup>st</sup> day of July, 2006.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The Court is aware that the plaintiff has filed multiple lawsuits. She is reminded that each complaint must be accompanied by an in forma pauperis affidavit bearing her original signature.